

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RENE VENITA JOHNSON, )  
Plaintiff, )  
v. )  
CITY OF ERIE POLICE )  
DEPARTMENT, et al., )  
Defendants. )

Case No. 1:19-cv-177-SPB

## **ORDER**

NOW, this 21st day of July, 2020, for the reasons set forth in the accompanying Memorandum Opinion,

IT IS ORDERED that the Defendants' amended motion to dismiss the complaint, ECF No. [19], shall be, and hereby is, GRANTED. Plaintiff's §1983 claims against the City of Erie Police Department and the City of Erie Mayor's Office shall be, and hereby are, DISMISSED with prejudice. In addition, Plaintiff's §1983 claim predicated upon the failure of Erie police officers to prosecute her assailant and/or to file different criminal charges shall be, and hereby is, DISMISSED with prejudice. In all other respects, Plaintiff's complaint shall be, and hereby is, dismissed without prejudice and with leave to amend on or before August 7, 2020.

**In the event that Plaintiff fails to amend her pleading by the aforementioned date, the dismissal of her remaining claims shall be converted to a dismissal with prejudice, without further notice, and the case will be closed.**

IT IS FURTHER ORDERED that Defendants' alternative motion for summary judgment shall be, and hereby is, DISMISSED without prejudice to be reasserted at a later point in these proceedings, if warranted.



SUSAN PARADISE BAXTER  
United States District Judge